

**Introduced by Senator Calderon**

February 27, 2009

---

Senate Constitutional Amendment No. 15—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article II thereof, and by amending Sections 8 and 12 of Article IV thereof, relating to the state budget.

LEGISLATIVE COUNSEL'S DIGEST

SCA 15, as introduced, Calderon. State budget.

(1) The California Constitution requires the Governor to submit to the Legislature by January 10 of each year a budget for the ensuing fiscal year, accompanied by a Budget Bill itemizing recommended expenditures. The Constitution requires specified bills, including a bill making a change in state taxes for the purpose of raising revenue, a bill containing an urgency clause, and a bill, including the Budget Bill, that makes certain appropriations from the General Fund, to be passed in each house of the Legislature by a  $\frac{2}{3}$  vote.

This measure would exempt General Fund appropriations in the Budget Bill from the  $\frac{2}{3}$  vote requirement.

(2) The California Constitution provides that a statute takes immediate effect upon enactment if the statute calls for an election, provides for a tax levy or makes an appropriation for the usual and current expenses of the state, or is an urgency statute.

This measure would add, to those statutes that take effect immediately, statutes enacting the Budget Bill and statutes enacting bills that are identified in the Budget Bill as necessary to implement the Budget Bill.

(3) The California Constitution provides electors the power of referendum to approve or reject a statute, except that certain statutes

are exempted, namely, urgency statutes, statutes calling elections, and statutes providing for tax levies or appropriations for the usual current expenses of the state.

This measure instead would exempt from the power of referendum any statute that is to take effect immediately.

(4) This measure would specify that the changes to the California Constitution made by this measure would apply July 1 of the first fiscal year commencing after the approval of this measure by the voters at a statewide election, except that the changes would apply to the Budget Bill for the first fiscal year commencing after the approval of this measure by the voters at a statewide election and each subsequent fiscal year.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

1     *Resolved by the Senate, the Assembly concurring,* That the  
2     Legislature of the State of California at its 2009–10 Regular  
3     Session commencing on the first day of December 2008, two-thirds  
4     of the membership of each house concurring, hereby proposes to  
5     the people of the State of California that the Constitution of the  
6     State be amended as follows:

7     First—That Section 9 of Article II thereof is amended to read:

8     SEC. 9. (a) The referendum is the power of the electors to  
9     approve or reject statutes or parts of statutes except ~~urgency~~  
10    ~~statutes, statutes calling elections, and statutes providing for tax~~  
11    ~~levies or appropriations for usual current expenses of the State~~  
12    ~~statutes that take effect immediately.~~

13    (b) A referendum measure may be proposed by presenting to  
14    the Secretary of State, within 90 days after the enactment date of  
15    the statute, a petition certified to have been signed by electors  
16    equal in number to 5 percent of the votes for all candidates for  
17    Governor at the last gubernatorial election, asking that the statute  
18    or part of it be submitted to the electors. In the case of a statute  
19    enacted by a bill passed by the Legislature on or before the date  
20    the Legislature adjourns for a joint recess to reconvene in the  
21    second calendar year of the biennium of the legislative session,  
22    and in the possession of the Governor after that date, the petition  
23    may not be presented on or after January 1 next following the  
24    enactment date unless a copy of the petition is submitted to the

1 Attorney General pursuant to subdivision (d) of Section 10—of  
2 ~~Article II~~ before January 1.

3 (c) The Secretary of State shall then submit the measure at the  
4 next general election held at least 31 days after it qualifies or at a  
5 special statewide election held prior to that general election. The  
6 Governor may call a special statewide election for the measure.

7 Second—That Section 8 of Article IV thereof is amended to  
8 read:

9 SEC. 8. (a) At regular sessions no bill other than the budget  
10 bill may be heard or acted on by committee or either house until  
11 the 31st day after the bill is introduced unless the house dispenses  
12 with this requirement by rollcall vote entered in the journal, ~~three~~  
13 ~~fourths~~ *three-fourths* of the membership concurring.

14 (b) The Legislature may make no law except by statute and may  
15 enact no statute except by bill. No bill may be passed unless it is  
16 read by title on ~~3~~ *three* days in each house except that the house  
17 may dispense with this requirement by rollcall vote entered in the  
18 journal, ~~two-thirds~~ *two-thirds* of the membership concurring. No  
19 bill may be passed until the bill with amendments has been printed  
20 and distributed to the ~~members~~ *Members*. No bill may be passed  
21 unless, by rollcall vote entered in the journal, a majority of the  
22 membership of each house concurs.

23 (c) (1) Except as provided in paragraphs (2) and (3) ~~of this~~  
24 ~~subdivision~~, a statute enacted at a regular session shall go into  
25 effect on January 1 next following a 90-day period from the date  
26 of enactment of the statute and a statute enacted at a special session  
27 shall go into effect on the 91st day after adjournment of the special  
28 session at which the bill was passed.

29 (2) A statute, other than a statute establishing or changing  
30 boundaries of any legislative, congressional, or other election  
31 district, enacted by a bill passed by the Legislature on or before  
32 the date the Legislature adjourns for a joint recess to reconvene in  
33 the second calendar year of the biennium of the legislative session,  
34 and in the possession of the Governor after that date, shall go into  
35 effect on January 1 next following the enactment date of the statute  
36 unless, before January 1, a copy of a referendum petition affecting  
37 the statute is submitted to the Attorney General pursuant to  
38 subdivision (d) of Section 10 of Article II, in which event the  
39 statute shall go into effect on the 91st day after the enactment date

1 unless the petition has been presented to the Secretary of State  
2 pursuant to subdivision (b) of Section 9 of Article II.

3 (3) Statutes calling elections, statutes providing for tax levies  
4 or appropriations for the usual current expenses of the State, ~~and~~  
5 urgency statutes, *statutes enacting the budget bill, and statutes*  
6 *enacting budget implementation bills* shall go into effect  
7 immediately upon their enactment. *For purposes of this section,*  
8 *a “budget implementation bill” is a bill enacted by a statute that*  
9 *is identified in the budget bill as containing only changes in law*  
10 *necessary to implement the budget bill.*

11 (d) Urgency statutes are those necessary for immediate  
12 preservation of the public peace, health, or safety. A statement of  
13 facts constituting the necessity shall be set forth in one section of  
14 the bill. In each house the section and the bill shall be passed  
15 separately, each by rollcall vote entered in the journal, ~~two-thirds~~  
16 *two-thirds* of the membership concurring. An urgency statute may  
17 not create or abolish any office or change the salary, term, or duties  
18 of any office, or grant any franchise or special privilege, or create  
19 any vested right or interest.

20 Third—That Section 12 of Article IV thereof is amended to  
21 read:

22 SEC. 12. (a) Within the first 10 days of each calendar year,  
23 the Governor shall submit to the Legislature, with an explanatory  
24 message, a budget for the ensuing fiscal year containing itemized  
25 statements for recommended state expenditures and estimated state  
26 revenues. If recommended expenditures exceed estimated revenues,  
27 the Governor shall recommend the sources from which the  
28 additional revenues should be provided.

29 (b) The Governor and the Governor-elect may require a state  
30 agency, officer, or employee to furnish whatever information is  
31 deemed necessary to prepare the budget.

32 (c) (1) The budget shall be accompanied by a budget bill  
33 itemizing recommended expenditures.

34 (2) The budget bill shall be introduced immediately in each  
35 house by the persons chairing the committees that consider the  
36 budget.

37 (3) The Legislature shall pass the budget bill by midnight on  
38 June 15 of each year.

39 (4) Until the budget bill has been enacted, the Legislature shall  
40 not send to the Governor for consideration any bill appropriating

1 funds for expenditure during the fiscal year for which the budget  
2 bill is to be enacted, except emergency bills recommended by the  
3 Governor or appropriations for the salaries and expenses of the  
4 Legislature.

5 (d) No bill except the budget bill may contain more than one  
6 item of appropriation, and that for one certain, expressed purpose.  
7 Appropriations from the General Fund of the State, except  
8 appropriations for the public schools *or appropriations made in*  
9 *the budget bill*, are void unless passed in each house by rollcall  
10 vote entered in the journal, two-thirds of the membership  
11 concurring. *For purposes of this section, Section 8, and Section 9*  
12 *of Article II, a “budget bill” is a bill that makes appropriations*  
13 *for the support of the government of the State for an entire fiscal*  
14 *year.*

15 (e) The Legislature may control the submission, approval, and  
16 enforcement of budgets and the filing of claims for all state  
17 agencies.

18 (f) For the 2004–05 fiscal year, or any subsequent fiscal year,  
19 the Legislature may not send to the Governor for consideration,  
20 nor may the Governor sign into law, a budget bill that would  
21 appropriate from the General Fund, for that fiscal year, a total  
22 amount that, when combined with all appropriations from the  
23 General Fund for that fiscal year made as of the date of the budget  
24 bill’s passage, and the amount of any General Fund moneys  
25 transferred to the Budget Stabilization Account for that fiscal year  
26 pursuant to Section 20 of Article XVI, exceeds General Fund  
27 revenues for that fiscal year estimated as of the date of the budget  
28 bill’s passage. That estimate of General Fund revenues shall be  
29 set forth in the budget bill passed by the Legislature.

30 Fourth—That the amendments to the California Constitution  
31 made by this measure shall apply to the budget bill for the first  
32 fiscal year commencing after the approval of this measure by the  
33 voters at a statewide election and each subsequent fiscal year, and  
34 shall apply for all other purposes commencing July 1 of the first  
35 fiscal year commencing after the approval of this measure by the  
36 voters at a statewide election.